

DOD: 2-20-11		MARCUS D. MAGNESS , Attorney for Administrator Julie Fulcher, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states an irreconcilable conflict has arisen in that Ms. Fulcher is unresponsive to phone calls and emails and has refused to provide information required to close the probate.	Note: The Court will set a status hearing for Friday 8-23-13 for Failure to File Inventory and Appraisal and Failure to File Account/Petition for Final Distribution or status report.
	Aff.Sub.Wit.	Estate History:	
✓	Verified		
	Inventory	JULIE FULCHER , ex-wife, was appointed as Special Administrator without bond on 4-13-11 for the purpose of gathering documents including bills that required attention prior to hearing on her appointment.	
	PTC		
	Not.Cred.	A competing petition was filed, but later withdrawn, by the decedent's sister, Diana Cowan.	
✓	Notice of Hrg		
✓	Aff.Mail	It was originally estimated that the estate contained personal property (nature unspecified) in the amount of \$50,000.00 and real property valued at \$210,000.00, but encumbered for \$180,000.00; however, no I&A has been filed.	
	Aff.Pub.		
	Sp.Ntc.	On 7-7-11, a TRO was granted pending a final order on Ms. Fulcher's petition to establish ownership of certain assets (a vehicle) that ordered the asset turned over to Ms. Fulcher as Special Administrator.	
	Pers.Serv.		
	Conf. Screen	Ms. Fulcher was later appointed as Administrator with Full IAEA without bond on 8-23-11.	
	Letters		
	Duties/Supp	The intestate heirs are Ms. Fulcher's and Decedent's two children, one of whom is a minor. Ms. Fulcher is also guardian of his estate in 11CEPR00272.	
	Objections		
	Video Receipt	Note: Approx. six (6) creditor's claims have been filed and allowed, and special notice has been requested by the California Franchise Tax Board and Wells Fargo Card Services.	
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: skc

Reviewed on: 7-26-13

Updates:

Recommendation:

File 1 – Fulcher

Age: 17		<p>MARCUS D. MAGNESS, Attorney for Julie Fulcher, Mother and Guardian of the Estate, is Petitioner.</p> <p>Petitioner states an irreconcilable conflict has arisen in that Ms. Fulcher is unresponsive to phone calls and emails.</p> <p>Guardianship Estate History:</p> <p>JULIE FULCHER, Mother, was appointed Guardian of the Estate of Matthew Fulcher on 6-9-11 without bond, with \$240,000.00 in blocked account.</p> <p>I&A Partial No. 1 filed 7-20-12 reflected \$121,103.77, which was in a blocked account (receipt filed 2-16-12).</p> <p>First Account filed 7-20-12 and settled on 9-18-12 indicated that the ward is still anticipated to receive distribution from his father's probate estate; however, because he resides in the primary asset, it is anticipated that a petition for instructions will be filed in that action regarding payment of creditors without sale of the home.</p> <p>Note: Not all anticipated assets have been received at this point, due to the incomplete probate estate (Page 1).</p> <p>When the First Account was settled, the Court set status for 8-14-14, at which time the minor will have turned 18, for filing the final account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The accounting in this guardianship estate appears to contain information regarding the status of the decedent's estate at Page 1 – that the family continued to reside in the home and expected to file a petition for instructions in the estate re: keeping the home with reference the debts/creditors of the estate. <u>However</u>, it appears from Mr. Magness' proof of service that the family no longer lives at that address; therefore, the Court may require the status of the house at this time. <u>See Page 1.</u></p> <p>Note: A status hearing is currently set for 8-14-14; for the filing of the final account; however, due to the attorney's request to withdraw, the Court may set sooner status hearing.</p>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: skc
Reviewed on: 7-26-13
Updates:
Recommendation:
File 2 – Fulcher

Age: 63		PUBLIC GUARDIAN , Conservator, is Petitioner. Account period: 4-18-12 through 4-17-13 Accounting: \$176,895.67 Beginning POH: \$155,566.19 Ending POH: \$122,036.76 Conservator: \$18,024.12 (for 154.43 Deputy hours @ \$96/hr and 42.09 Staff hours @ \$76/hr per itemization) Attorney: \$2,500.00 (per local rule) Costs: \$499.00 (filing, certified letters) Bond fee: \$356.15 (ok) Petitioner prays for an order: 1. Approving, allowing and settling the account and report as filed; 2. Authorizing conservator and attorney fees and costs; 3. Payment of the bond fee; and 4. Other relief as the Court considers proper.	NEEDS/PROBLEMS/COMMENTS: 1. On 7-31-12, the Court authorized payment of \$7,000.00 to L. Kim Aguirre, attorney for the Conservatee, for use in securing appropriate housing and transportation and ordered the funds placed in an appropriate account to be used for that limited purpose. On 11-8-12, an ex parte petition was filed that stated the Conservatee found an apartment and was required to pay "several thousand dollars" for first and last months' rent and deposit, and additional funds were needed. The Court authorized an additional \$2,000.00 on 11-9-12. Petitioner's disbursements schedule reflects the funds paid to Mr. Aguirre, but does not provide a breakdown of how those funds were used. Further, the disbursements schedule includes housing and transportation costs during this time frame that appear to have been arranged and paid for by the Public Guardian as Conservator, outside of the \$9,000.00 paid to Mr. Aguirre. See also the extensive itemization of time spent by the Conservator on these matters. Need clarification regarding the \$9,000.00 paid to Mr. Aguirre. <u>Note:</u> If granted, the Court will set status for the filing of the next account: • Friday 8-22-14 (if 1-year account is required) <u>or</u> • Friday 8-21-15 (if 2-year account is required)
	Aff.Sub.Wit.		
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	Inventory		
	PTC		
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	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
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✓	Order		
	Aff. Posting		
	Status Rpt		
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	Citation		
	FTB Notice		

Reviewed by: skc
Reviewed on: 7-26-13
Updates:
Recommendation:
File 3 – Lee

Petition for Distribution on Waiver of Accounting

DOD: 9-20-12		SANDRA AKIN , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	1. The petition does not state the assets on hand pursuant to Cal. Rules of Court 7.550(b)(4). If cash, need dollar amount.
		I&A: \$388,526.86 POH: <i>Not stated</i>	
	Aff.Sub.Wit.		2. Need revised order indicating dollar amount to be distributed pursuant to Local Rule 7.6.1.A.
✓	Verified		
✓	Inventory	Administrator(Statutory): Waived	
✓	PTC		
✓	Not.Cred.	Attorney (Statutory): \$10,770.54	
✓	Notice of Hrg	However, Attorney has agreed to accept <u>less</u> than the statutory amount stated above, in an amount not yet determined, as billed on hourly basis pursuant to agreement.	
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	Distribution pursuant to intestate succession and disclaimer filed 1-11-13:	
	Conf. Screen	Jennifer I. Fisher – all assets	
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		
			Reviewed by: skc
			Reviewed on: 7-26-13
			Updates:
			Recommendation:
			File 4 – Green

Petition for Appointment of Successor Trustee and for Termination and Distribution of Trust or, in the Alternative, Modification of Trust Terms [Prob. C. 15408, 15409, 15660(d), 17200(b)(10)]

Kathleen DOD: 07/21/90		SAINT ANSELM OF CANTERBURY EPISCOPAL CHURCH , beneficiary, is Petitioner. Petitioner states: <ol style="list-style-type: none"> On 05/27/87, Harry E. Kelly and Kathleen M. Kelly established THE KELLY FAMILY TRUST ("Trust") appointing themselves as the initial Co-Trustees. Kathleen Kelly died on 07/21/90. After her death, Harry Kelly continued to serve as sole Trustee. On 03/29/93, Harry Kelly exercised his general power of appointment and executed the Third Amendment to (and Complete Restatement of) the Trust. On 10/21/94, Harry Kelly executed a Fourth Amendment to the Trust, which amended the provisions regarding the nomination of the successor trustees following Harry Kelly's death or incapacity. On 05/31/95, Harry Kelly executed a final amendment to the Trust and further amended the provisions for the nomination of a successor trustee following his death or incapacity. The Fifth Amendment provided that following the death or incapacity of the current acting trustee, the following would serve as successor trustee in the order designated: <ol style="list-style-type: none"> "That person or entity (and successor persons and entities) nominated in writing signed by Harry E. Kelly; in the absence of such written designation Jane Dietsche of Garden Grove, California; and thereafter That bank or other corporation authorized to act as trustee in the place of administration of Trust, which has net assets in excess of Ten Million Dollars (\$10,000,000.00) and which is unanimously designated as successor Trustee in writing signed by all adult competent beneficiaries then entitled to the income from this Trust and the trust estates created hereunder (and in the absence of such designation, then as designated by a court of competent jurisdiction)." <p>The Fifth Amendment also deleted two (2) specific devises of \$5,000.00 each to Harry Kelly's grandniece and her husband.</p> <p style="text-align: center;">Continued on Page 2</p>	NEEDS/PROBLEMS/COMMENTS: Continued from 5/20/13. Minute order states the Court grants the petition for appointment of successor trustee and appoints Bruce Bickel. The Court indicates to the parties that it will entertain an order reflecting that Bruce Bickel, as trustee may accept checks written to the former trustee and make distribution(s) according to the terms of the trust. The Court directs Ms. Johnson to provide the court additional information regarding the status of the corpus and how the church will secure/use income or principal. The remaining issues are continued to 7/31/13. Declaration of Summer Johnson filed on 7/22/13 states after speaking with the drafting attorney and conferring with Petitioner, counsel believes that she will be in a position to present the Declaration along with a detailed proposal from the Church concerning the use of Trust principal for a special program as part of one package in approximately 28 days. As a result, Counsel requests this matter be continued to August 28, 2013.	
Harry DOD: 08/12/95				
Cont. from 052013				
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<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
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<input type="checkbox"/>	Citation			
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5. Harry Kelly passed away on 08/12/95 and Jane Dietsche began serving as successor trustee of the Trust. Initially, Mrs. Dietsche administered the Trust from Garden Grove, CA, but in 2009, she suffered a stroke and moved to Fresno where Trust administration continued until her death on 11/20/12.
6. Pursuant to the terms of the Trust, after payment of Harry Kelly's debts, last illness, funeral and administration (including attorney's fees) expenses and all estate, inheritance and other death taxes, the entire remaining trust balance "shall continue to be held by the Trustees for the benefit of Saint Anselm of Canterbury Episcopal Parish Church". The trust estate to be held was to be referred to as "The Kathleen M. Kelly and Harry E. Kelly Fund" (the "Fund").
7. The Trust terms specified that the Fund was to be used for the following purposes:
 "The Fund is to be used solely for charitable purposes. Settlor requests that the Fund be a perpetual one, which is to say that only interest, dividends and other income earned by the Fund should be used and any income not used should be reinvested, unless otherwise required by state or federal laws. The Fund may not use any funds whatsoever to pay salaries of church personnel, to purchase or lease any vehicle of any kind, or for the up-keep, repair or improvement of buildings. The Trustees are to review all requests for funds and shall approve all expenditures. Some examples of the use of the Fund are flowers at church and memorial services, membership drives to attract new members, and other special programs."
8. Due to the death of Jane Dietsche, there is presently no one acting as Trustee of the Trust. Petitioner requests that the Court appoint a successor trustee to fill the vacancy.
9. Per the terms of the Trust, upon the death of Jane Dietsche, the next nominated successor trustee to serve is:
 "That bank or other corporation authorized to act as trustee in the place of administration of Trust, which has net assets in excess or Ten Million Dollars (\$10,000,000.00) and which is unanimously designated as successor Trustee in writing signed by all adult competent beneficiaries then entitled to the income from this Trust and the trust estates created hereunder (and in the absence of such designation, then as designated by a court of competent jurisdiction)."
10. Presently, Saint Anselm of Canterbury Episcopal Church is the only beneficiary entitled to income of the Trust. There are no other beneficiaries of the Trust presently entitled to income. It is unclear whether Saint Anselm of Canterbury Episcopal Church is considered an "adult competent beneficiary". In light of such ambiguity, Petitioner has made a nomination pursuant to Probate Code § 15660(d) for professional fiduciary Bruce D. Bickel to be appointed as successor Trustee of the Trust. Bruce D. Bickel has consented to serve as Successor Trustee and Petitioner requests that the Court appoint him to serve as successor Trustee.
11. The Trust terms state "no bond shall be required of any Trustee or Co-Trustee of this Trust". Consequently, Petitioner requests that Mr. Bickel be appointed without the requirement of posting a bond.
12. Petitioner requests that the Court order the termination of the Trust pursuant to Probate Code § 15408, which authorizes the Court to order the termination of the Trust, "if the Court determines that the fair market value of the principal of a trust has become so low in relation to the cost of administration that continuation of the trust under its existing terms will defeat the accomplishment of its purposes."

Continued on Page 3

13. In 2011, the brokerage accounts held by the Trust generated \$8,992 in dividend and interest income. In 2012, the brokerage accounts held by the Trust generated \$10,486 in dividend and interest income. As of 12/31/12, the Trust assets consisted of the following:

i.	American Funds Account No. xxxx9946	\$74,051.27
ii.	Vanguard Account No. 0028-xxxxxxxxxx	\$36,551.23
iii.	Vanguard Account No. 0030-xxxxxxxxxx	\$58,742.02
iv.	Vanguard Account No. 0027-xxxxxxxxxx	\$23,225.65
v.	Vanguard Account No. 0521-xxxxxxxxxx	\$84,829.60
vi.	Vanguard Account No. 0073-xxxxxxxxxx	\$43,598.86

Total: \$320,728.63

14. Prior to Mrs. Dietsche's death, she had a practice of waiving her Trustee's fees. As a result of Mrs. Dietsche's waiver of her Trustee's fee, a greater percentage of the net income was available to distribute to Petitioner for its use. Moving forward however, the Trust will be responsible for paying a Trustee's fee. The standard fee is approximately 1% of the value of the Trust paid annually. Presently this amount will be approximately \$3,200 per year based on the value of the Trust estate. Coupled with the annual cost to prepare the federal and state tax returns of approximately \$1,500.00 and the cost per year of the account fees associated with the above accounts, the net income available for distribution drops to less than 40-50% of the Trust's annual income. Under the circumstances, while the net income may be available to sustain the Trust without reducing the principal, the amount of principal generating the dividends and income is of limited amount. Consequently, the resulting net income of the Fund provides limited ability for the Petitioner to fulfill the Settlor's stated intent that the Fund be used for special programs at the church.
15. In the alternative, Petitioner requests Termination or Modification of the Trust due to changed circumstances pursuant to Probate Code § 15409(a) which authorizes the Court to "modify the administrative or dispositive provisions of the trust or terminate the trust if, owing to circumstances not known to the settlor and not anticipated by the settlor, the continuation of the trust under its terms would defeat or substantially impair the accomplishment of the purposes of the trust." Petitioner believes that the Settlor did not anticipate that the annual costs associated with administering the Fund would sufficiently deplete the annual dividends and income of the Trust available for distribution such that Petitioner's ability to meaningfully fulfill the Settlor's requested uses for the Fund would be severely limited in scope. Consequently, Petitioner requests that the Trust be terminated and the funds be distributed to Petitioner for their use consistent with the Settlor's stated intent.
16. If the Court does not approve the termination of the Trust as requested, Petitioner requests that the Court approve a modification of Article IV, Section D.1 of the Trust terms which would allow the distribution of Trust net income and principal by the Successor Trustee to Petitioner consistent with the parameters established for the Fund's use by the Settlor.

Petitioner requests an Order that:

1. Bruce D. Bickel be appointed to serve as Successor Trustee without bond; and
2. The Kelly Family Trust, dated May 27, 1987, as amended and completely restated on March 29, 1993, as amended, be terminated and the assets held by the Trust be delivered by the Successor Trustee to Petitioner.

Consent to Petition for Termination of Trust filed 05/16/13 by the Rt. Rev. J. Jon Bruno, D.D. of the Episcopal Church, Diocese of Los Angeles states: they are the alternate contingent remainder beneficiary of the Kelly Family Trust, dated 05/27/87 as amended and consent to the termination of the Trust.

Consent to Appointment as Successor Trustee filed 05/16/13 by Bruce Bickel.

Atty Hopper, Cindy J (for James & Rosie Bennett – Petitioners-Maternal Grandparents)
 Atty Cummings, Steven R. (for William Mabrey, father)

Petition for Appointment of Guardian of the Person

Ambria Age: 6		TEMPORARY EXPIRES 07/31/2013 JAMES BENNETT and ROSIE BENNETT , maternal grandparents, are petitioners. Father: WILLIAM E. MABREY , personally served on 04/23/2013 Mother: LISA ALVAREZ , Deceased Paternal Grandfather: Unknown, Order Dispensing with Notice signed 06/06/2013 Paternal Grandmother: Vera A. Hooper, served by mail on 05/16/2013 Petitioners state: the children's alleged father has a history of drug and alcohol abuse, and domestic violence. The father also has a criminal record with convictions including several drug charges, driving under the influence as well as domestic violence charges. He has also been accused of child molestation of the children's half-sister. CPS became involved and the mother's rights were terminated as she continued to have a relationship with the children's father. At a team decision making meeting held on 07/18/2008 regarding the minor children Ambria and Olivia, it was agreed with CPS that should the mother become unable to care for the children that the maternal grandparents/petitioners would take custody of the children. Petitioner's state that there was a history of domestic violence between the mother and the father which occurred in the presence of the children. The most recent event occurred in November 2012 wherein the father kicked in the mother's door when the children were present which frightened them.	NEEDS/PROBLEMS/ COMMENTS: <u>Minute Order of 05/07/2013:</u> the Court indicates to the parties that it does not believe it is appropriate to appoint counsel for the minors at this time. Parties stipulate to genetic testing. The petitioners are directed to make the children available for testing. Ms. Hopper advises the Court that they are in agreement with allowing the father to communicate with the children telephonically. The Court authorizes father to have supervised visits with the children every Sunday from 9:00am to 6:00pm. Visits to be supervised by the paternal grandmother, Vera Hooper. Parties are advised that this is a temporary order for visitation which will remain in effect pending the next hearing. The temporary guardianship is extended to 06/25/2013. The parties are advised that the Court will extend the temporary guardianship further if it becomes necessary.
Olivia Age: 5			
Allena Age: 1			
Cont. from 050713, 062513			
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<p align="center"><u>Please see additional page</u></p>		Reviewed by: LV Reviewed on: 07/29/2013 Updates: Recommendation: File 6A – Mabrey & Bennett	

(Petitioner's statement continued)

Petitioners allege that the father has severe alcohol and anger issues and has never been left with the children unsupervised. Petitioners believe that the father is currently residing in an alcohol recovery treatment facility along with registered sex offenders. The father has no home to take the children to or a job to support them. Petitioners believe the motivation for the father wanting custody of the children is that he owes child support arrears and to have custody of the children in a wrongful death lawsuit against the hospital for their mother's death.

Petitioners are concerned for their grandchildren's safety and fear that the father will rip them from the only stable environment that they know. Petitioners state that the father poses an **extreme threat and high risk** to the three children due to the sexual molestation of their half-sister.

Objection of Father, William E. Mabrey, filed on 04/24/2013: states that he objects to the temporary guardianship because the statements made supporting the request are almost completely false, and there is no legal reason why he should not have custody of his children. Under Family Code §3010(B) the children belong with him unless and until he is found to be unfit as their father. He states that while he understands and sympathizes with the petitioner's loss of their daughter and their concern for the safety and wellbeing of their grandchildren, he feels very strongly that it is in the children's best interest to live with their remaining parent. The father does not object to the petitioners having visitation, but he strongly objects to them being given guardianship.

The father states that he and the mother had been engaged to be married however she passed away on 03/13 while suffering from cardiac arrest as she was undergoing chemotherapy. He states that the children have been with him and their mother for most of their lives. It was the event in November 2012 that made him realize that he needed to get help. He states that he and the mother had a fight, he got drunk and kicked the door in because she locked him out but he never raised a finger toward the mother. He then enrolled in the Feed My Shepard Ministries Program. He completed his in-patient treatment program in February of 2013 but decided to stay as the house manager.

The father states that the petitioner's allegations of abuse towards the half sibling are false. He states that the mother's brother informed him that the mother was angry at him and made up a story that the he abused the child. He states he was arrested and was held in jail for 36 hours and was then released. The mother had informed him that CPS conducted a physical and mental health examination of the child and concluded nothing had happened to the child. Five months later he received a letter from the DA saying that no charges would be filed. The father denies that he had ever done anything improper to the child.

Father states that he has found employment and secured a three bedroom apartment. In the meantime his mother lives in a six bedroom home with three rooms available to him and the three children until they can move into the apartment.

Attached to Objection are letters in support of the father obtaining custody of the children.

Declaration of Petitioner, Rosie Bennett, filed 05/17/2013 attached is a letter from the Vice Principal at Jane Addams Elementary School, Juanita Varela, in support of the petition for guardianship.

Declaration of Petitioner, Rosie Bennett, filed 05/17/2013 attached is a letter from Narinder S. Bala, M.D., the children's physician in support of the petition for guardianship.

Please see additional page

Minute Order of 05/02/2013, Judge Nystrom-Geist presiding, states: James and Rosie Bennett are present and sworn potential claimants with their counsel C. Hopper. There has been a temporary guardianship ordered in the Probate case 13CEPR00335, which is set for further hearing on 5/7/13. At this time the Probate Court is exercising jurisdiction over the 3 minor children. Court will continue today's hearing past the Probate hearing date. At this time it appears that Probate is the appropriate forum for this case. Family Law may take action if Probate does not act on this case. The request for joinder would be heard first, if the Probate Court does not grant a guardianship and the father's request for a readiness hearing would follow on that day.

Court Investigator Samantha Henson's Report filed on 6/20/2013.

Ambria Age: 6		<p>JAMES BENNETT and ROSIE BENNETT, maternal grandparents, are petitioners. Petitioners were appointed temporary guardians on 05/07/2013.</p> <p>Petitioners state: at the hearing of 05/07/2013, the court granted the Petitioner temporary guardianship of the minor children. The court also ordered that the father is to have supervised visits with the children every Sunday from 9am-6pm. The visits are supervised by the paternal grandmother, Vera Hooper.</p> <p>After the visit on 07/14/2013 the children began to talk about their "Uncle Floyd" who lives with "Grandma Vera." A search was conducted on Megan's Law for Floyd Mabrey and he was found to be a registered sex offender un Penal Code §290 and he resides in the same residence as Vera Hooper. Megan's law printout attached as Exhibit A.</p> <p>The visits between the father, William, and the children occur in the home of Vera Hooper. Vera Hooper and William have allowed the children to have contact with a registered sex offender, Floyd Mabrey.</p> <p>The children have returned home telling the petitioners that their father is telling them that the petitioners are talking bad about him. During the 07/01/2013 exchange, the father, William, began yelling at the petitioners.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Order re: Visitation signed Ex Parte on 07/17/2013 by Judge Kristi Culver Kapetan, the Court hereby grants an order shortening time for the court to hear Petitioners' Motion to Modify Visitation. Said Motion shall be heard on 07/31/2013, at 9am in Department 303.</p> <p>The Court also orders that the father, William Mabrey, shall have supervised visitation with the children at Comprehensive Youth Services (CYS), 3795 E. Shields, Fresno California 93727. Times and dates for the visitation shall be at the directive of the supervising agency but shall not exceed eight hours per week. If there is no agreement regarding third parties for visitation, visitation shall be limited to the father and the father shall pay all costs associated with the supervised agency.</p> <p>1. Need proof of service of Motion to Modify Visitation.</p>
Olivia Age: 5			
Allena Age: 1			
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
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Please see additional page

Petitioner's Declaration continued: Petitioners do not believe that the supervisor, Vera Hooper, can properly supervise and protect the minor children nor do they believe that William can properly supervise or protect the children as both of them have allowed Floyd Mabrey contact with the children while both of them had the children under their care.

Petitioners request for the safety of the children that the Court grant a temporary order that the father, William Mabrey, have supervised visitation at Comprehensive Youth Services (CYS). Petitioners request that the times and dates for the visitation shall be at the directive of the supervising agency but shall not exceed eight hours per week. Petitioners are also requesting that visitation be limited to between the father and children and that the father, William, pay all costs associated with the supervised visits at the agency.

Atty Kruthers, Heather H. (for Public Guardian – Petitioner)
 Atty Istanbulian, Flora (Court appointed for Conservatee)

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.
 1820, 1821, 2680-2682)

Age: 87		TEMP EXPIRES 7-31-13	NEEDS/PROBLEMS/ COMMENTS: Court Investigator advised rights on 7-11-13 Voting rights affected – need minute order. 1. Need Capacity Declaration with Dementia Attachment regarding request for medical consent powers and dementia medication and/or placement powers. <hr/> Reviewed by: skc Reviewed on: 7-26-13 Updates: Recommendation: File 7 – Williams
		PUBLIC GUARDIAN IS Petitioner and requests appointment as Conservator of the Person and Estate with medical consent and dementia medication and/or placement powers.	
		Voting rights affected.	
		Need capacity declaration.	
		Petitioner states Mrs. Williams lives with one of her sons, Alvin, in her own home. Her health has been in decline since her husband passed away a few years ago. She was referred to the Public Guardian by Adult Protective Services due to numerous parties reporting concerns of neglect by Alvin, and theft of her money. Petitioner states Alvin reportedly leaves his mother in rehab or the hospital until her check comes, then takes her from the facility against medical advice, and has her cash her check. Often she ends up back in the facility until the next check is due. Care providers report Alvin yelling at his mother, being rough physically wither, acting like a bully, and being volatile at doctor's appointments. Although he is paid to care for her, he leaves her alone for hours, during which time she does not eat. This is dangerous because she is diabetic. Her medications are not given regularly. See additional details in petition. Petitioner states it appears Alvin uses his mother's social security to pay the mortgage, and the rest on himself. There does not appear to be an alternative to Public Guardian involvement.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
	Conf. Screen		
✓	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
✓	CI Report 9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice	Alvin Williams filed an Objection on 7-23-13. Mr. Williams states his mother wants to come home, she is tired of being in that place. She cries all the time, she tells him. She knows he takes care of her and gives her whatever she wants. He loves is mother and would never do anything to hurt her. Mr. Williams also filed a declaration with letters in support of his objection, as well as a certificate of participation in a 12-step program. Letters include a letter from her other son Deran stating that he has a power of attorney, from Angie Valenzuela, who rents a room in the house with them, and others. Court Investigator Jo Ann Morris filed a report on 7-18-13.	

DOD:1-24-07		<p>PAUL BRADLEY, individually and in his capacity as Administrator of the Estate of CAROL JANE BRADLEY, and PEGGY RALSTON, are Petitioners.</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>Decedent died intestate</p> <p>Petitioners request determination that decedent's undivided 50% interest in real property located at 2424 E. Hammond Ave., passes to Petitioners 33.33% each pursuant to intestate succession.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note</u>: Petitioner Paul Bradley was appointed Administrator of the Estate of Carol Jane Bradley in 13CEPR00218. Letters issued 5-14-13.</p>	
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<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<p>Reviewed by: skc</p> <p>Reviewed on: 7-29-13</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 8 – Bradley</p>				

DOD: 6-16-13		PUBLIC ADMINISTRATOR is Petitioner and requests appointment as Administrator with Full IAEA. Full IAEA – ok Decedent died intestate Residence: Fresno Publication: Fresno Business Journal Estimated value of estate: Personal property: \$ 12,338.01 Real property: \$ 250,000.00 Total: \$ 262,338.01 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: 1. Petitioner states there are no known relatives; however, there is no declaration of due diligence indicating efforts to identify and locate. The Court may require clarification. <u>Note:</u> If granted, the Court will set status hearings: <ul style="list-style-type: none"> Friday 1-10-14 for filing of Inventory and Appraisal Friday 1-9-15 for filing of first account or petition for final distribution 	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
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<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 7-26-13	
			Updates:	
			Recommendation:	
			File 9 – Kallam	

(1) Third Account and Report of Conservator and (2) Petition for Its Settlement

Age: 21 years		TIM COLLINS , father/conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 4/1/12 – 4/23/13	
		Accounting - \$174,545.21	
Cont. from 070313		Beginning POH- \$164,743.64	
	Aff.Sub.Wit.	Ending POH - \$141,978.50	
✓	Verified	(\$18,146.06 is cash)	
	Inventory	Current bond: \$61,000.00	
	PTC	Conservator - allowed	
	Not.Cred.	\$500.00 per month per court order	
✓	Notice of Hrg	dated \$3/21/13.	
✓	Aff.Mail W/	Petitioner prays for an Order:	
	Aff.Pub.	1. Settling and allowing the 3 rd account;	
	Sp.Ntc.	2. Approving and confirming the acts of the petitioner as	
	Pers.Serv.	Conservator of the person and estate.	
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	2620(c)		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 7/29/2013
			Updates:
			Recommendation:
			File 10 – Collins

NEEDS/PROBLEMS/COMMENTS:

1. Disbursement schedule includes items that may require clarification.

- 4/23/12 – GB3 gym membership (3 years) for \$442.00 – why did the conservatee need a 3 year gym membership? Was this the best use of his funds or would a membership with a shorter term be more practical? – Declaration of Tim Collins filed on 7/12/13 states the three year membership is \$12.78 per month. A monthly contract is \$50.00 per month. Michael enjoys the gym and uses it frequently.
- 7/2/12 – Paralegal assistance 2nd account - \$400.00
1/13/13 – Paralegal assistance/typing fee - \$250.00
Note: Only a Conservator and/or his or her attorney, if any, are entitled to compensation from the estate a paralegal/typing service is not an attorney and is not entitled to payment from the estate as an attorney would be. Petitioner is self-represented and as such is responsible for the document preparation costs that he obtained. Further, any compensation related to the conservatorship estate requires petition and allowance by the Court prior to payment. See Probate Code §2647. – Declaration states he used a paralegal because the attorney for the first account charged \$4,000.00.
- 7/2/12 - Verizon/new phone and accessories - \$173.44
12/21/12 – Verizon/new iPhone - \$198.88 – court may require clarification as to why the conservatee needed a new phone twice in six months. – Declaration states Michael needed a new phone so in July 2012 they purchased a “slide” phone for him. After school started Michael wanted an i-phone so he could use the internet, play new games and have i-tunes.
- Various dates – daily allowance \$100 per month (however 2 months were \$150 and one month was \$200). **Note:** California Rules of Court, Rule 7.1054 (b)(16) states the conservator of the estate must evaluate the conservatee's ability to manage cash or other assets and take appropriate action, including obtaining prior court approval when necessary or appropriate, to enable the conservatee to do so to the level of his ability. Declaration states Michael is given \$5.00 per day to help him manage his money and save for upcoming events.
- 8/23/12 – Ace Glass /Front door damages - \$699.90 – Declaration states Michael was upset and rammed the front door with his body. The door is decorated with lead glass and needed to be replaced.
- 9/17/12 – Dorie Collins/Naskin Inv/Reim - \$263.89 – Declaration states this reimbursement was for vitamins purchased for Michael.
- 12/1/12 – Angelica Cloud/grandma's gift - \$60.00 - California Rules of Court, Rule 7.1054(b)(3) states the conservator of the estate must refrain from making loans or gifts of estate property except as authorized by the court after full disclosure. – Declaration states Michael wanted to buy a birthday gift for his grandmother.
- 1/14/13 – Cash/allowance/birthday dinner - \$300.00 – why is the Conservatee paying for his own birthday dinner celebration? – Declaration states Michael invited 5 special needs friends to a birthday party at Dog House Grill.

Please see additional page

NEEDS/PROBLEMS/COMMENTS (Cont.):

- 4/23/13 – Fresno Superior Court/Court Investigator Fees - \$375.00 – Court records show that the court investigator fees paid was \$350.00 in addition the cancelled check attached to the accounting shows payment of \$350.00. – Declaration states this was a typographical error the correct charge should have been \$350.00. **Note: With this change the account no longer balances. There is a \$25.00 discrepancy.**
- 3/21/13 – Tim Collins Compensation \$6,000.00
4/3/13/13 – Tim Collins court ordered compensation - \$6,000.00 **Note:** On 3/21/13 the court allowed Mr. Collins to pay himself \$500.00 per month as compensation for services rendered as conservator. This amount was not retroactive to the beginning of the conservatorship. Therefore it appears Mr. Collins should not have paid himself this amount and should be only be paying himself the \$500 each month. – Declaration states Mr. Collins submitted a monthly budget that showed he was spending \$500.00 per month out of his own pocket for Michael's living expense. The court approved the accounting with the \$500 for "reimbursement." (Note to Judge: There is no place in the file that indicates that this was a reimbursement. It appears that the \$500.00 was not retroactive but for expenses going forward.)

2. **Receipt Schedule includes rent for the Condo.** Declaration of filed 2/7/2013 states the condo is rented for \$850.00 per month and has since increased to \$895.00 per month. When the current lease is up the rent will increase to \$1,020.00 per month. However the receipt schedule shows receipts for rent varying from \$139.55 to \$903.50 with an average monthly rent of \$748.00. The court may require clarification. Note: If there are expenses to the rental property they should be listed in the disbursement schedule.